

IT IS ORDERED as set forth below:

Date: April 30, 2012



Wendy L. Hagenau

**Wendy L. Hagenau
U.S. Bankruptcy Court Judge**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CASE NO. 11-51844-WLH
)	
MARK A. RICHARDS,)	CHAPTER 7
)	
Debtor.)	JUDGE WENDY L. HAGENAU
)	

**ORDER ON MOTION TO RE-OPEN CHAPTER 7 CASE
AND FOR ORDER OF ABANDONMENT**

The Debtor's *pro se* Motion to Re-Open Chapter 7 Case and Motion for Order of Abandonment came before the Court for hearing on April 26, 2012, at 10:30 a.m. The Debtor appeared *pro se*, Martha Miller, the trustee, appeared, and Mary C. DeCamp appeared on behalf of D.R. Horton, Inc.. After reviewing the Motion, the entire case and the arguments of the parties, the Court hereby finds as follows:

The Debtor filed his bankruptcy petition on January 24, 2011. In his schedules, the Debtor disclosed a potential fraud and breach-of-contract claim against his homebuilder in an estimated amount of \$250,000.00. Ms. Miller stated at the hearing she discussed the potential

lawsuit with the Debtor, analyzed the merits of the lawsuit, and determined the Trustee would not pursue the lawsuit. Consequently, on April 25, 2011, Ms. Miller filed her Report of No Distribution. The Court subsequently discharged Mr. Richards and closed the case on July 19, 2011.

Pursuant to 11 U.S.C. § 554(c), “any property scheduled under Section 521(a)(1) of this title not otherwise administered at the time of the closing of the case is abandoned to the debtor and administered for purposes of Section 350 of this title.” Since the Debtor’s cause of action against D.R. Horton, Inc. was disclosed in his schedules, and not otherwise administered by the Trustee, at the time the case was closed on July 19, 2011, the cause of action was abandoned by the Trustee to the Debtor, and he, and he alone, had standing from that date forward to pursue the cause of action. Having listed the cause of action in his schedules, the asset has been administered.

It is hereby ORDERED that the case is NOT re-opened;

ORDERED FURTHER that, by operation of 11 U.S.C. § 554(c), the Debtor’s cause of action against D.R. Horton, Inc. was abandoned to the Debtor on July 19, 2011, is presently vested in the Debtor and Debtor alone, and only the Debtor has the right to pursue this cause of action. The bankruptcy estate has no further interest in it.

END OF ORDER

DISTRIBUTION LIST

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